

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	ORDER CONTINUING TRIAL
)	
vs.)	
)	Case No. 3:25-cr-140
Charles Anthony Dalzell,)	
)	
Defendant.)	

Trial in this case is set to begin on September 9, 2025. Defendant Charles Anthony Dalzell was recently ordered to undergo a psychological or psychiatric examination (Doc. 27), and that evaluation will not be completed before trial.

The Speedy Trial Act requires trial to begin within 70 days after a defendant is charged or makes an initial appearance, whichever occurs last. 18 U.S.C. § 3161(c)(1); see also Zedner v. United States, 547 U.S. 489, 497 (2006). The Act also details a list of instances that toll the speedy trial clock. See 18 U.S.C. § 3161(h); see also Zedner, 547 U.S. at 497. For the purposes of this order, 18 U.S.C. § 3161(h)(1)(A) allows for the exclusion of time the “delay resulting from any proceeding, including any examinations, to determine the mental competency or physical capacity of the defendant[.]”

Here, given the pending competency evaluation, there is good cause to continue the trial under 18 U.S.C. § 3161(h)(1)(A). The Court also finds “the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial” pursuant to 18 U.S.C. § 3161(h)(7)(A). Trial will be reset to Tuesday, February 10, 2026, at 9:30 a.m. in Fargo. A three (3) day trial is anticipated. As noted above, all time from the date the motion for evaluation was filed until competency is determined is excluded from any Speedy Trial Act calculation. See

18 U.S.C. § 3161(h)(1)(A). Moreover, all time elapsing from the date of this order until trial shall be excluded from any Speedy Trial Act calculation. See 18 U.S.C. §§ 3161(h)(7)(B)(iv) and 3161(h)(7)(A).

IT IS SO ORDERED.

Dated this 29th day of August, 2025.

/s/ Peter D. Welte

Peter D. Welte, Chief Judge
United States District Court